

## **REMARKS**

### **Interview Summary**

The Examiner was asked to clarify the basis for the claim rejections in the Office Action mailed December 16, 2004. In that Office Action, all pending claims were rejected as anticipated by U.S. Patent No. 3,433,444 to Smith. The question was raised whether Smith discloses the claim limitation of "the mounting plate and the cover being adapted to exert axial pressure on the radial flange", which is found in claims 1 and 9, with a similar limitation being found in claim 24. The argument presented in the Remarks section below as to this issue was presented to the Examiner.

Following review of the claim limitations and the Smith reference, and after consideration of Applicant's presented arguments, the Examiner agreed that Smith does not disclose the above limitation. The Examiner thereafter indicated that the finality of the December 16, 2004 Office Action would be withdrawn and that another Office Action would be issued after conducting an additional prior art search.

### **Response to office Action**

In the Office Action mailed December 16, 2004, claims 1-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,433,444 to Smith.

Claim 1 was rejected as anticipated by Smith. To anticipate a claim, a reference must disclose, either expressly or inherently, each and every element of the claim. See MPEP § 2131.01. As amended, claim 1 includes the limitation of "the mounting plate and the cover being adapted to exert axial pressure on the radial flange". This axial pressure is applied to prevent the support arm from unwanted rotation relative to the mounting and cover plates.

A thorough examination of Smith reveals that exactly the opposite is taught by this reference: the mounting plate and the cover exert no axial pressure on the radial flange. Smith discloses a "Counterpoised Supporting Device" that is described as being useful for mounting and supporting kitchen appliances to the underside of cabinets. The

Smith device has an annular mounting plate (10) and an annular cover plate (12), the two of which are sandwiched together and mounted by screws (14) to the underside of a cabinet (16). See Figs. 1-3. A supporting plate (18) is disposed within the opening defined by the mounting and cover plates (10, 12). The supporting plate (18) includes a plurality of flanges (20) that are *slidably* disposed in the annular slot defined between the mounting plate (10) and the cover plate (12). Col. 3, ll. 53-62. Because the flanges are *slidably* disposed in the annular slot, Smith discloses that the mounting plate (10) and the cover plate (12) exert no axial pressure on the flanges, thereby leaving the supporting plate (18) free to rotate unless it is otherwise locked in place.

Rotation of the supporting plate (18) is prevented by the locking mechanism further described in Smith. A first locking ring (23) is mounted to the cover plate (12) and has “downwardly directed teeth”. These teeth engage the teeth of a second locking ring (24) which is attached to a spring (26) extending through an aperture in a lug (21) extending from the supporting plate (18). The spring (26) maintains the second locking ring (24) in engagement with the first locking ring (23) to lock the supporting plate (18) in place. See Col. 3, l. 65 – Col. 4, l. 3. This locking mechanism in no way discloses, either expressly or inherently, the axial pressure limitation found in amended claim 1. For these reasons, Smith does not disclose all the limitations of, and therefore, does not anticipate claim 1.

Claims 2, 4, and 6-8 each ultimately depend from amended claim 1. As such, where Smith does not anticipate amended claim 1, it also does not anticipate these dependent claims.

Claim 3 has been amended to include the limitation of “the mounting plate and the cover being adapted to exert axial pressure on the radial flange”. As discussed above in reference to amended claim 1, Smith does not disclose this limitation and therefore does not anticipate amended claim 3.

Claim 9 was also rejected as anticipated by Smith. Amended claim 9 includes the limitation of "the mounting plate and the cover being adapted to exert axial pressure on the radial flange". As discussed above in reference to amended claim 1, Smith does not disclose this limitation and therefore does not anticipate claim 9.

Claims 10, 11, 13, and 15 each ultimately depend from amended claim 9. As such, where Smith does not anticipate amended claim 9, it also does not anticipate these dependent claims.

Claim 14 has been amended to include the limitation of "the mounting plate and the cover being adapted to exert axial pressure on the radial flange". As discussed above in reference to amended claim 1, Smith does not disclose this limitation and therefore does not anticipate amended claim 14.

Claim 16 was also rejected as anticipated by Smith. Claim 16 includes the limitations of "a first spacer abutting at least the first surface portion of the mounting plate" and "an annular spacer disposed about the cylindrical portion of the support arm adjacent the radial flange". Smith does not disclose any spacers disposed about the mounting plate (10), the cover plate (12), or the supporting plate (18) and lug (21). Smith therefore does not anticipate claim 16.

Claims 17-23 each ultimately depend from claim 16. As such, where Smith does not anticipate claim 16, it also does not anticipate these dependent claims.

Claim 24 was also rejected as anticipated by Smith. Claim 24 includes the limitations of "the mounting plate and the cover are adapted to exert axial pressure on the radial flange" and "the flat panel display bracket being adapted to maintain a chosen orientation, relative to the support arm, under load." As discussed above in relation to amended claim 1 and 3, Smith does not disclose either of these limitations. Smith therefore does not anticipate claim 24.

Claim 25 was also rejected as anticipated by Smith. Claim 25 includes the limitation of "the cover and the plate include means for exerting axial pressure on the

radial flange". As discussed above in relation to claim 1, Smith does not disclose this limitation. Smith therefore does not anticipate claim 25.

Claims 26-28 each ultimately depend from claim 25. As such, where Smith does not anticipate claim 25, it also does not anticipate these dependent claims.

In view of the above, Applicant requests reconsideration of the rejection.

Respectfully submitted,

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